

Jeff Carruth (TX SBN: 24001846)  
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PROPOSED ATTORNEYS FOR  
HIGH PLAINS RADIO NETWORK, LLC,  
DEBTOR AND DEBTOR IN POSSESSION

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:	§	
	§	
HIGH PLAINS RADIO NETWORK, LLC,	§	CASE NO. 24-70089-swe
	§	(Chapter 11, SubV)
DEBTOR.	§	
	§	

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**MOTION TO DISCONTINUE UTILITY SERVICE AT VERTICAL  
BRIDGE REIT LLC INACTIVE AND/OR REJECTED LOCATIONS**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE ST., RM. 1254, DALLAS, TX 75242-1496. BEFORE CLOSE OF BUSINESS ON MAY 22, 2024, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

**TO THE HONORABLE SCOTT W. EVERETT, U.S. BANKRUPTCY JUDGE:**

High Plains Radio Network, LLC, debtor and debtor in possession (the “Debtor” or “HPRN”), files this *Motion to Discontinue Utility Service at Vertical Bridge REIT LLC Inactive*

*and/or Rejected* (the “Motion to Discontinue” or the “Motion”) and in support thereof would show to the Court the following.

1. Debtor files this motion in conjunction with the motion to reject leases (Docket No. 67) filed on April 30, 2024.

2. A list of the leases with Vertical Bridge REIT LLC (“Vertical Bridge” or “VB”) and/or the properties of the Debtor involving a lease with Vertical Bridge is attached hereto as **Exhibit H013**. The Debtor reserves the right to amend and/or supplement this exhibit to more fully explain the status of the leases.

3. The Debtor has identified the leases that were not in use as of the Petition Date, some or all of which had terminated pre-petition, and/or some of which had not terminated but which the Debtor has ceased the use of well prior to the Petition Date, all with ample, contemporaneous, prior knowledge to Vertical Bridge (collectively, the “Inactive Leases”).

4. The Debtor has a small subset of leases with Vertical Bridge which are still in use by the Debtor (collectively, the “Active Leases”).

5. The safety lights on each of the towers belong to and are the responsibility of Vertical Bridge.

6. The Debtor has continued to supply electricity to all the Vertical Bridge tower locations even after pre-petition lease terminations in order to maintain the operations of the tower safety lights.

7. Debtor spends approximately \$3,000 per month for the tower lights electricity, which amount would constitute adequate protection of the interest of Vertical Bridge aside from the unreasonable demands for post-petition market rent, and which amount can and should be used for other purposes at this point.

8. Taking into consideration the safety concerns involved, the Debtor seeks leave to discontinue the electricity service immediately as to the Inactive Locations and then upon any rejection of a lease on the Active Locations.

9. Debtor reserves the right to amend, supplement, and/or withdraw this Motion.

10. A proposed form of order accompanies this Motion and is incorporated by reference herein.

WHEREFORE, High Plains Radio Network, LLC, Debtor and Debtor in Possession, respectfully requests that the Court permit the Debtor to discontinue utility service immediately as to all of the VB Inactive locations and as to any of the VB Active locations when or if those leases are rejected. Debtor requests such other and further relief to which Debtor is entitled at law or in equity.

Dated: May 1, 2024

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth  
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HIGH PLAINS RADIO NETWORK, LLC,  
DEBTOR AND DEBTOR IN POSSESSION

**CERTIFICATE OF SERVICE**

The parties exchanged views in a call on April 29, 2024. Debtor presumes Vertical Bridge opposes this motion.

/s/Jeff Carruth  
Jeff Carruth

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on May 1, 2024 (1) by electronic notice to all ECF users who have appeared in this case to date, and/or as set forth below and (2) by regular mail to all parties appearing in the attached service list.

/s/Jeff Carruth  
Jeff Carruth

**ECF SERVICE LIST**

**24-70089-swe11 Notice will be electronically mailed to:**

Jeffery D. Carruth on behalf of Debtor High Plains Radio Network, LLC

[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com),

[jcarruth@aol.com](mailto:jcarruth@aol.com); [atty\\_carruth@trustesolutions.com](mailto:atty_carruth@trustesolutions.com); [carruthjr87698@notify.bestcase.com](mailto:carruthjr87698@notify.bestcase.com); [ATTY\\_CARRUTH@bluestylus.com](mailto:ATTY_CARRUTH@bluestylus.com); [jcarruth@ecf.courtdrive.com](mailto:jcarruth@ecf.courtdrive.com)

Paul H. Cross on behalf of Creditor Hanmi Bank [phclease@msn.com](mailto:phclease@msn.com)

Shanna M. Kaminski on behalf of Interested Party Union Funding Source, Inc. [skaminski@kaminskilawpllc.com](mailto:skaminski@kaminskilawpllc.com)

Sherrel K. Knighton on behalf of Creditor Malakoff ISD [Sherrel.Knighton@lgbs.com](mailto:Sherrel.Knighton@lgbs.com), [Dora.Casiano-Perez@lgbs.com](mailto:Dora.Casiano-Perez@lgbs.com); [Sean.French@lgbs.com](mailto:Sean.French@lgbs.com); [Eva.Parker@lgbs.com](mailto:Eva.Parker@lgbs.com); [Alexis.Hall@lgbs.com](mailto:Alexis.Hall@lgbs.com); [Dallas.Bankruptcy@lgbs.com](mailto:Dallas.Bankruptcy@lgbs.com)

Matthew F. Kye on behalf of Creditor Amur Equipment Finance, Inc. [mkye@kyelaw.com](mailto:mkye@kyelaw.com), [dsullivan@kyelaw.com](mailto:dsullivan@kyelaw.com)

Julie Anne Parsons on behalf of Creditor Eastland County Appraisal District [jparsons@mvbalaw.com](mailto:jparsons@mvbalaw.com), [kalexander@mvbalaw.com](mailto:kalexander@mvbalaw.com); [theresa.king@mvbalaw.com](mailto:theresa.king@mvbalaw.com); [juanie.montalvo@mvbalaw.com](mailto:juanie.montalvo@mvbalaw.com)

Julie Anne Parsons on behalf of Creditor The County of Henderson, Texas [jparsons@mvbalaw.com](mailto:jparsons@mvbalaw.com), [kalexander@mvbalaw.com](mailto:kalexander@mvbalaw.com); [theresa.king@mvbalaw.com](mailto:theresa.king@mvbalaw.com); [juanie.montalvo@mvbalaw.com](mailto:juanie.montalvo@mvbalaw.com)

Julie Anne Parsons on behalf of Creditor The County of Stephens, Texas [jparsons@mvbalaw.com](mailto:jparsons@mvbalaw.com), [kalexander@mvbalaw.com](mailto:kalexander@mvbalaw.com); [theresa.king@mvbalaw.com](mailto:theresa.king@mvbalaw.com); [juanie.montalvo@mvbalaw.com](mailto:juanie.montalvo@mvbalaw.com)

Scott M. Seidel -SBRA V [scott@scottseidel.com](mailto:scott@scottseidel.com), [csms11@trustesolutions.net](mailto:csms11@trustesolutions.net); [susan.seidel@earthlink.net](mailto:susan.seidel@earthlink.net)

Dawn Whalen Theiss on behalf of Creditor Small Business Administration [dawn.theiss@usdoj.gov](mailto:dawn.theiss@usdoj.gov), [brooke.lewis@usdoj.gov](mailto:brooke.lewis@usdoj.gov); [CaseView.ECF@usdoj.gov](mailto:CaseView.ECF@usdoj.gov)

United States Trustee [ustpreion06.da.ecf@usdoj.gov](mailto:ustpreion06.da.ecf@usdoj.gov)

David Weitman on behalf of Creditor Vertical Bridge REIT, LLC [david.weitman@klgates.com](mailto:david.weitman@klgates.com)

## SERVICE LIST

A	B	C	D	E	F	G	H	I
1	<b>SERVICE LIST</b>	Case No. <b>22-91323</b>	In re: <b>KuberExami, LLC</b>			UPDATED:	<b>4/30/2024</b>	
2	C:\Users\jpsruth\ND Office Echo\VAULT_CBS\ZTV\service list (hpm) 001 4878-4499-4995 v.8.xlsx	Sheet1						
3	Name	Address1	Address2	Address3	City	State	Zip	Email
4								Method of Service / Comment
4	BMI	PO Box 630893			Girdham	OH	45263-0893	Regular Mail
5	Broadcase Music, Inc.	2 World Trade Center	250 Greenwich St		New York	NY	10007	NOA-ECF
6	Bryn Mawr Equipment Finance Inc.	801 Lancaster Avenue			Bryn Mawr	PA	19010-3305	Regular Mail
7	Channel Partners Capital LLC	Attn: Legal Department	1111 E College Drive	Suite 200	Marshall	MN	56258-1968	Regular Mail
8	City of Altus	509 S Main St			Altus	OK	73521-3135	Regular Mail
9	City of Friona	623 Main St			Friona	TX	79035	Regular Mail
10	City of Hereford	PO Box 2277			Hereford	TX	79045-2277	Regular Mail
11	City of Plainview	520 W 5th			Plainview	TX	79072-8432	Regular Mail
12	City of Vernon	1725 Willbarger St			Vernon	TX	76384-2741	Regular Mail
13	Crest Capital	PO Box 88233			Atlanta	GA	30356-8233	Regular Mail
14	CT Corp. Sys.	Attn: SPMS	330 N Brand Blvd		Glendale	CA	91203-2308	Regular Mail
15	D&D Telecommunications	PO Box 6988			Abilene	TX	79608	Regular Mail
16	Eastland County Appraisal District	c/o Julie Parsons	McCreary, Veselka, Bragg & Allen, P.C.	P.O. Box 1269	Round Rock	TX	78680-1269	NOA-ECF
17	Eastland County Appraisal District	c/o Julie Anne Parsons	McCreary, Veselka, Bragg & Allen, P.C.	PO Box 1269	Round Rock	TX	78680-1269	NOA-ECF
18	Entergy Utility	PO Box 8105			Baton Rouge	LA	70891-8105	Regular Mail
19	Federal Communications Com.	45 L Street NE			Washington	DC	20554-0001	Regular Mail
20	Financial Agent Services	PO Box 2576			Springfield	IL	62708-2576	Regular Mail
21	Hunt State Bank Athens	PO Box 471			Athens	TX	75751-0471	Regular Mail
22	Global Music Rights	1801 W Olympic Blvd			Pasadena	CA	91199-2280	Regular Mail
23	Hannu Bank	5403 Olympic Dr. #210			Gig Harbor	WA	98335-1853	NOA-ECF
24	Hannu Bank	1107 E Pioneer Parkway			Arlington	TX	76010-5866	NOA-ECF
25	Hannu Bank	Attn: Paul Cross Esq.	11300 N. Central Expressway Ste. 604		Dallas	TX	75243	NOA-ECF
26	Hannu Bank	11300 North Central Expressway	Suite 604		Dallas	TX	75243	NOA-ECF
27	Hansen LaPorte	14201 Memorial Dr			Houston	TX	77079-6731	Regular Mail
28	Hugh Plains Radio Network, LLC	PO Box 3419			Vernon	TX	76385-3419	Regular Mail
29	Infach Capital America Corp.	7808 Creekridge Circle	Suite 250		Edina	MN	55439-2847	Regular Mail
30	Internal Revenue Service	Centralized Insolvency Operation	PO Box 7317		Philadelphia	PA	19101-7317	Regular Mail
31	Jeffery D. Carruth	Weycer Kaplan Pulaski & Zuber, P.C.	2608 Hibernia	Suite 105	Dallas	TX	75204-2534	Regular Mail
32	Liberty Mutual Insurance	175 Berkeley Street			Boston	MA	02116-3350	Regular Mail
33	LIH Systems	PO Box 7239			Abilene	TX	79608	Regular Mail
34	Mifund Solutions	89 West St #2613			New York	NY	10005-4301	Regular Mail
35	M Properties	2827 West Road			Mtn Home	AR	72653	Regular Mail
36	Malakoff ISD	Linebarger Goggan Blair & Sampson, LLP	2777 N. Stemmons Freeway, Suite 1000		Dallas	TX	75207	NOA-ECF
37	Malakoff ISD	Linebarger Goggan Blair & Sampson, LLP	c/o Sherrel K Knighton	2777 N Stemmons Frey, Ste. 1000	Dallas	TX	75207-2328	NOA-ECF
38	Marlin Lease Corp	300 Fellowship Rd			Mount Laurel	NJ	08054	Regular Mail
39	Marlin Leasing Corp	300 Fellowship Rd			Mount Laurel	NJ	08054-1727	Regular Mail
40	Media Facilities	1700 Dell Range Blvd. #418			Chesapeake	WY	82009-4061	Regular Mail
41	Meridian	367 Eagleview Blvd.			Exton	PA	19341-1156	Regular Mail
42	Meridian Equipment Finance LLC	9 Old Lincoln Highway			Malvern	PA	19355-2551	Regular Mail
43	Meridian Equipment Finance, LLC	c/o Saldutti Law Group	1040 King Highway N, Ste. 100		Cherry Hill	NJ	08034	NOA-ECF
44	Midland States Bank	1801 Park 270 Drive	Suite 200		St. Louis	MO	63146-4022	Regular Mail
45	Mitsubishi HC	7201 Metro Blvd. Ste 800			Edina	MN	55439-1333	Regular Mail
46	Mitsubishi HC Capital America, Inc.	c/o Jason Sellers	825 Nicollet Mall, Suite 1648		Minneapolis	MN	55402	NOA-ECF
47	Monte Spearman	2837 Silverwood Dr.			Johnstown	CO	80534	Direct email
48	Monte Spearman	PO Box 3649			Palestine	TX	75802	Regular Mail
49	New Lane Fin. B-M	801 Lancaster Ave			Bryn Mawr	PA	19010-3305	Regular Mail
50	North Arkansas Electric	PO Box 1000			Salem	AR	72576-1000	Regular Mail
51	Optimum Telephone	1111 Stewart Ave.			Rethpage	NY	11714-3581	Regular Mail
52	Primer	1801 Automation Way #207			Fort Collins	CO	80523-5735	Regular Mail
53	SBA Covid-19 Disaster Loan	PO Box 3918			Portland	OR	97208-3918	NOA-ECF
54	Scott M. Seidel - SBRA V	Seidel Law Firm	6505 West Park Blvd	Suite 306	Plano	TX	75093-6212	NOA-ECF
55	SecureNet	101 N Federal HWY Ste 601			Boca Raton	FL	33432-3969	Regular Mail
56	SE SAC	PO Box 5246			New York	NY	10008-5246	Regular Mail
57	South Plains Communications	5811 34th St			Lubbock	TX	79407	Regular Mail
58	Summit	4680 Parkway Dr #300			Mason	OH	45040-7979	Regular Mail
59	Summit Natural Gas	PO Box 676358			Dallas	TX	75267-6358	Regular Mail
60	Texas Comptroller	Rev Acct Div - Bankruptcy Section	PO Box 13528		Austin	TX	78711-3528	Regular Mail
61	The County of Henderson, Texas	c/o Julie Anne Parsons	McCreary Veselka Bragg & Allen, P.C.	P.O. Box 1269	Round Rock	TX	78680-1269	NOA-ECF
62	The County of Henderson, Texas	c/o Julie Anne Parsons	McCreary, Veselka, Bragg & Allen, P.C.	PO Box 1269	Round Rock	TX	78680-1269	NOA-ECF
63	The County of Stephens, Texas	c/o Julie Anne Parsons	McCreary Veselka Bragg & Allen, P.C.	P.O. Box 1269	Round Rock	TX	78680-1269	NOA-ECF

	A	B	C	D	E	F	G	H	I
1	SERVICE LIST	Case No. 22-51323	In re: Kuberlaxmi, LLC				UPDATED:	4/30/2024	
2	C:\Users\jcorruth\ND Office Echo\VAULT-C95LZ1Y\service list (hprn) 001 4878-4499-4995 v.8.xlsx	Sheet1							
3	Name	Address1	Address2	Address3	City	State	Zip	Email	Method of Service / Comment
64	The County of Stephens, Texas	c/o Julie Anne Parsons McCreary, Veselka, Bragg & Allen, P.C.	PO Box 1269		Round Rock	TX	78680-1269	<a href="mailto:julie.parsons@mbalaw.com">julie.parsons@mbalaw.com</a>	NOA-ECF
65	The Fundworks	299 S. Main St. #1300			Salt Lake City	UT	84111-2241		Regular Mail
66	The Fundworks LLC	c/o Dedicated Financial GBC	4000 Lexington Ave N, Suite 125		Shoreview	MN	55126	<a href="mailto:pam.rupf@dedicatedgb.com">pam.rupf@dedicatedgb.com</a>	NOA-ECF
67	Titan Tower	PO Box 6972			Abilene	TX	79608		Regular Mail
68	Turbo Capital	2308 N Market St			Wilmington	DE	19802-4230		Regular Mail
69	TXU Utility	PO Box 650638			Dallas	TX	75265-0638		Regular Mail
70	U.S. Bank Equipment Finance	1310 Madrid Street			Marshall	MN	56258-4099		Regular Mail
71	U.S. Small Business Admin	150 Westpark Way	Suite 130		Eufless	TX	76040	<a href="mailto:rebekah.osullivan@sba.gov">rebekah.osullivan@sba.gov</a>	NOA-ECF
72	U.S. Small Business Administration	1545 Hawkins Blvd Ste 202			El Paso	TX	79925-2654		NOA-ECF
73	U.S. Small Business Administration	c/o Dawn Whalen Theiss	1100 Commerce St Ste 300		Dallas	TX	75242	<a href="mailto:dawn.theiss@usdof.gov">dawn.theiss@usdof.gov</a>	NOA-ECF
74	United First LLC	2999 NE 191st St			Miami	FL	33180-3123		Regular Mail
75	United Funding	1835 E. Hollandale Beach BLVD			Hollandale Beach	FL	33009-4619		NOA-ECF
76	United Funding	Shanna M. Kaminski	Kaminski Law, PLLC	P.O. Box 247	Grass Lake	MI	49240	<a href="mailto:skaminski@kaminskilawpllc.com">skaminski@kaminskilawpllc.com</a>	NOA-ECF
77	United States Trustee	1100 Commerce Street	Room 976		Dallas	TX	75242-0996	<a href="mailto:erin.schmidt2@usdof.gov">erin.schmidt2@usdof.gov</a>	NOA-ECF
78	Verizon Cell Phone	PO Box 660108			Dallas	TX	75266-0108		Regular Mail
79	Vertical Bridge REIT LLC	750 Park of Commerce Dr #200			Boca Raton	FL	33487-3650		NOA-ECF
80	Vertical Bridge REIT LLC	Brandy A. Sargent	K&L Gates	One SW Columbia St., Ste 1900	Portland	OR	97204	<a href="mailto:brandy.sargent@klgates.com">brandy.sargent@klgates.com</a>	NOA-ECF
81	Vertical Bridge REIT LLC	David Weitman	K&L Gates	1717 Main Street Suite 2800	Dallas	TX	75201	<a href="mailto:david.weitman@klgates.com">david.weitman@klgates.com</a>	NOA-ECF
82	Xcel Energy	Attn Bankruptcy Department	Po Box 9477		Minneapolis	MN	55484-0001		Regular Mail
83	Zula Com	PO Box 3649			Palestine	TX	75802-3649		direct email

**PROPOSED ORDER**

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

HIGH PLAINS RADIO NETWORK, LLC,  
  
DEBTOR.

§  
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§  
§

CASE NO. 24-70089-swe  
(Chapter 11, SubV)

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**ORDER GRANTING MOTION TO DISCONTINUE UTILITY SERVICE  
AT VERTICAL BRIDGE REIT LLC INACTIVE AND/OR REJECTED  
LOCATIONS (RE: DOCKET NO. 68)**

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On this day came on for consideration the *Motion to Discontinue Utility Service at Vertical Bridge REIT LLC Inactive and/or Rejected Locations* (Docket No. 68) (the “Motion”) filed herein on May 1, 2024 by High Plains Radio Network, LLC. The Court finds and concludes that the Motion contained the appropriate notices under the Bankruptcy Local Rules; according to the certificate of service attached to the Motion, the Motion was served upon the parties entitled to receive notice under the Bankruptcy Local Rules; no party in interest filed a response or objection to the Motion or any such response or objection is overruled by this Order;



and that upon review of the record of this case and with respect to the Motion that cause exists to grant the relief requested therein.

The Court finds and concludes that all leases on the “VB Inactive” locations in Debtor Exhibit H013 terminated pre-petition.

**IT IS THEREFORE ORDERED THAT:**

1. The Motion is granted as set forth herein.
2. All capitalized terms shall have the same meaning as ascribed to such terms in the Motion, unless otherwise defined herein.
3. The Debtor immediately may discontinue and terminate utility services that are in the name of or otherwise provided by Debtor to VB Inactive locations shown on Debtor Exhibit H013.
4. The Debtor immediately may discontinue utility services that are in the name of the Debtor or otherwise supplied by the Debtor as to the VB Active locations shown on Debtor Exhibit H013 if and when any or each of those leases is or are rejected.

###END OF ORDER###

Submitted by:

Jeff Carruth (TX SBN: 24001846)  
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